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NEW FEDERAL STATUTE USED IN MULTIPLE IDENTITY THEFT CASE

PHOENIX -- The U.S. Attorney's Office for the District of Arizona announced that on September 2, 2004, a federal grand jury in Phoenix returned a 24-count indictment against Christopher Shawn Muse, DOB 3/23/73, of Inglewood, Calif.; Tatia Marie Valenzuela, DOB 12/3/69, of Harbor City, Calif. ; and Drina Levette Johnston, DOB 8/7/79, Mesa, Ariz., alleging a scheme to defraud federally insured financial institutions, misuse of Social Security numbers and aggravated identity theft.

This case marks the first use of the new Aggravated Identity Theft statute and its enhanced penalties in Arizona. President Bush signed the Identity Theft Penalty Enhancement Act on July 15, 2004, which created the new statute and its mandatory enhanced penalties.

The indictment alleges that between November 2000 and August of 2004, the defendants obtained Arizona identification cards using falsely assumed identities, used those identities and opened accounts with federally insured financial institutions, then made deposits and withdrawals to cause the banks a loss or risk of loss. The indictment lists five banks and a

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credit union, nine different assumed identities, and more than a dozen accounts used by the defendants. Total losses likely exceed \$100,000, according to the indictment.

The three defendants were arrested on August 9, 2004 and released. They have been summoned to appear at arraignment.

The federal indictment charges eight violations of Title 18, U.S. Code, Section 1344(1) and (2) (Bank Fraud); seven violations of Title 18, U.S. Code, Section 1014 (False Statements to a Bank); seven violations of Title 42, U.S. Code, Section 408(a)(7)(B) (Misuse of a Social Security Number); and, two violations of Title 18, U.S. Code, Section 1028A (Aggravated Identity Theft).

A conviction for Bank Fraud and False Statements to a Bank carry maximum penalties of 30 year(s), a \$1,000,000 fine or both; a conviction for Misuse of a Social Security Number Bank carries a maximum penalty of 5 year(s), a \$250,000 fine or both; a conviction for Aggravated Identity Theft carries a mandatory two year sentence, which must run consecutive to any other term of imprisonment imposed for the felony during which the means of identification was used.

An indictment is simply the method by which a person is charged with criminal activity and raises no inference of guilt. An individual is presumed innocent until competent evidence is presented to a jury that establishes guilt beyond a reasonable doubt.

The investigation preceding the indictment was conducted by the U.S. Postal Inspection Service, Social Security Administration-Office of the Inspector and the Phoenix Police Department.

The prosecution is being handled by Daniel R. Drake, Assistant U.S. Attorney, District of Arizona, Phoenix.

CASE NUMBER: CR-04-0952-PHX

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